



STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG

Strategic Priorities and Policy Standing Committee

Report to: Mayor, Deputy Mayor, and Councillors
From: Kristina Lepik, Deputy Clerk / Manager, Legislative Services
Standing Committee Date: June 4, 2024
Report Number: LS-2024-014
Council Meeting Date: June 26, 2024
Subject: **Procedural By-law Update**

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1. Recommendation:

THAT Council receive this report for information purposes; and

FURTHER THAT Council endorses the recommendations as presented by the Clerks Department to be brought back to Council with an amended Procedural By-law in September 2024.

2. Executive Summary:

With the implementation of the updated procedural by-law at the beginning of 2024 Staff have been monitoring the execution of the By-law and noting further changes that would improve the flow of Council Meetings. Staff are reporting back to Council with the recommended changes and seeking feedback on any other recommended changes. Staff will report back with the updated Procedural By-law and accompanying documents in September 2024.

3. Background

At the December 4, 2023, meeting Procedural By-law 085-2023 was enacted, this by-law established the rules and order and procedures for Municipal Council and

Committee Meetings of the Corporation of the Town of Cobourg. Significant changes were made to the Procedural By-law to increase accountability and transparency while also streamlining the decision-making process.

4. Discussion:

Staff are now reporting back to Council to propose further changes to ensure the governance structure and related processes remain transparent and accountable to the community-at-large and contribute to an efficient and effective decision-making process.

The following sections list changes that are proposed to be included in an update to the procedural by-law.

1. Notice of Motion Provisions

The current notice of motion provisions have been identified to benefit from clarification and simplification.

Section 8.16 Notice of Motion currently provides the following:

- a) *"A Member desiring to introduce a Motion at a Meeting regarding a matter that would not otherwise be considered by the Council at such Meeting, shall deliver to the Clerk, a written copy of the Motion prior to the Agenda being published for the Regular Meeting at which the notice of Motion is to be given.*
- b) *Upon receipt of a notice of Motion request, the Clerk shall print the Motion in full in the Agenda for the next Regular Meeting of Council or for each succeeding Regular Meeting until the Motion is considered or otherwise disposed of.*
- c) *A Motion for which notice has been given, other than one to reconsider or rescind a prior decision of Council, shall be in the form of a referral to a Standing Committee.*
- d) *A notice of Motion shall be otherwise considered or disposed of by the Council at the Regular Meeting or a Standing Committee Meeting at which it is first introduced, unless a Member objects by a vote to its consideration, in which case it shall be considered at the next Standing Committee Meeting.*
- e) *In introducing a Notice of Motion to Council, a Member shall be permitted to have the opportunity of providing material and information in support of the Resolution.*
- f) *No Delegations shall be permitted to speak on a Notice of Motion.*

- g) Motions for which notice has been given and appeared at the Standing Committee Meeting shall be listed on the next Regular Council Agenda as a Motion for Council consideration.”*

Section 8.16 is proposed to be updated with the following:

“8.16 Member Motion

- a) A Member desiring to introduce a subject for discussion by Council shall provide a Members Motion in writing to the Clerk no later than noon on the Monday, nine (9) days prior to the Regular Meeting, for inclusion on the agenda.*
- b) The Clerk shall place the Members Motion on the Council agenda. The Members Motion may be discussed and dealt with by Council unless a Member requests that the matter be dealt with at the next Regular Meeting.*
- c) No members of the public shall be permitted to speak on a Members Motion.”*

These changes give Council the flexibility to introduce a motion at a Regular Council Meeting, in accordance with Agenda publishing deadlines, for consideration at that meeting. Council may decide additional time is required to consider the implications associated with the motion and refer it to the next Regular Council Meeting.

It is also proposed that a Member’s Motion be presented at a Regular Council Meeting as opposed to at a Standing Committee Meeting, as these Committees consist of only 3 members of Council. This will ensure the member presenting the motion can speak to and vote on the motion while it is being considered.

2. Declaration of Pecuniary (Financial) Interest Provisions

If an item is presented for Council consideration at a Standing Committee and a majority of the members declare a conflict it is recommended the item be automatically referred to a Regular Meeting for Council’s consideration. It was identified that this situation may occur, and the by-law was silent on how to proceed.

The following is recommended to be added to section 3.6 Disclosure of Pecuniary Interest:

- g) “If a majority of Standing Committee members declare a conflict of interest with regard to an item on the agenda, the item will be automatically referred to the next Regular Meeting of Council.”*

3. Correspondence

Currently all correspondence is included on an Agenda for information purposes. Members of Council have identified they would like to include the associated action with the correspondence on the Agenda. This will give both members of Council and the public time to consider the proposed action. Additionally, Staff are recommending that if the proposed action for correspondence is published with the agenda then all correspondence be included on the Consent Agenda.

Subsection 7.20 e) currently provides the following:

“e) A Council Member or Director, at any time, can request the Clerk to add for information correspondence onto the next Council Agenda for consideration as “Items Extracted from Consent Agenda”, adhering to Agenda preparation timelines.”

Subsection 7.20 e) is proposed to be updated with the following:

“e) A Council Member or Director, at any time, can request the Clerk to add correspondence onto the next Regular Council Agenda along with the recommended action. The correspondence will be added to the “Consent Agenda”, adhering to Agenda preparation timelines.”

4. Types of Meetings

Four Standing Committees were created with the new procedural by-law, they are as follows:

- Strategic Priorities and Policy Standing Committee (SPP)
- Community Services, Protection and Economic Development Standing Committee (CPE)
- Public Works, Planning and Development Standing Committee (PPD)
- Corporate, Finance, and Legislative Standing Committee (CFL)

Staff recommend that the SPP mandate be combined with the CFL and that meetings of the former be cancelled. A major component of the SPP is the consideration of the budget. Budget meetings would be separately scheduled and would consist of all members of Council. These meetings would function similarly to Regular, Special, and Emergency Meetings, meaning that the budget could be approved the day of the budget meeting. Budget meetings will be approved with the yearly schedule, giving Council, Staff and the Public significant notice of these meetings.

If Council provide direction to considers proceeding as noted above the September and October 1 SPP meetings will move forward as currently

scheduled, with an updated Procedural By-law and 2024 Meeting Schedule being presented for implementation in late October 2024.

5. Member Attendance

It was identified that there are no provisions in the Procedural By-law which provide a member of Council cannot participate in another meeting while attending a meeting of Council. To avoid this situation, it is recommended that the following wording be added as noted below:

“4.8 Council Members

a) Members are responsible for, where applicable:

xii) Attending only one meeting at a time, whether in-person or virtual.”

6. Order of Business for a Regular Meeting

The following items in section 7.0 have been identified to require an update:

Adoption of Minutes

This is a housekeeping update to recognize a change that has already been implemented. Only the minutes of meetings at which all of Council are members have been identified to require formal adoption. The minutes of Standing Committee meetings are presented for information purposes.

This section will be revised to read “Minutes” with two subsections. The first will be “Council Minutes for Adoption” and the second being “Standing Committee Minutes Received for Information”.

Outside Presentation/Information from Advisory Committees or Task Forces

Staff are recommending the wording noted in sections 7.1 and 7.2 be updated to read “External Organization / Advisory Committees or Task Forces”. The current wording is “Outside Presentation / Advisory Committees or Task Forces”. This update will help clarify that organizations that are included in this section do not necessarily have a presentation, but rather are organizations external to Municipal Staff that are bringing forward information for Council and the public to consider.

County Business

This section is recommended to be removed. County updates are being provided in section 10. Community Announcements and this section has been deemed to not be required.

5. Financial Impact and Budget

There are no financial implications associated with this report.

6. Relationship to Council's Strategic Plan Priorities 2023 to 2027 and beyond:

☐ Thriving Community

☒ Service Excellence

The updates to the procedural by-law and related processes ensure the proceedings of Council remain transparent and accountable to the community-at-large and contribute to an efficient and effective decision-making process

☐ Sustainability

7. Public Engagement:

This report is being presented for information purposes only. Members of the public are invited to attend the Standing Committee or Council Meeting to provide their feedback prior to the amendments being presented to Council in September. Staff are also going to post the proposed changes online on Engage Cobourg to solicit feedback.

8. Attachments:

None

Report Approval Details

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| Document Title: | Procedural By-law Update.docx |
| Attachments: | |
| Final Approval Date: | May 27, 2024 |

This report and all of its attachments were approved and signed as outlined below:

Brent Larmer, Municipal Clerk / Director of Legislative Services - May 25, 2024 - 6:21 PM

Tracey Vaughan, Chief Administrative Officer - May 27, 2024 - 12:39 PM